

## **REMARKS/ARGUMENTS**

The Examiner is thanked for the Office Action mailed October 10, 2007. The status of the application is as follows:

- ◆ Claims 1-26 are pending.
- ◆ Claims 22-26 are rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter.
- ◆ Claims 1, 2, 4-7, 9, 12-16, and 20-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Noehring et al. (US 2002/0188871 A1).
- ◆ Claims 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Noehring et al. in view of Kocaman et al. (US 2004/0030513 A1).
- ◆ Claims 8, 17 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Noehring et al. in view of Nozawa et al. (US 5,235,641).
- ◆ Claims 10, 11, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Noehring et al. in view of Trost et al. (US 4,627,018).

The rejections are discussed below.

### **The Rejection of Claims 22-26 under 35 U.S.C. 101**

Claims 22-26 stand rejected under 35 U.S.C. 101 as being directed towards non-statutory subject matter. In particular, the Office asserts that the subject claim fails to place the invention in a statutory class as paragraph [0047] of the instant specification provides evidence that the applicants intend the “medium” to include a propagation medium. Applicants respectfully traverse this assertion.

Paragraph [0047] lists various examples of a computer readable medium. More particularly, paragraph [0047] states that the computer readable medium can be any means that can contain, store, communicate, propagate, or transport the program for use by or in connection with the instruction execution system, apparatus, or device. Thus, the computer readable medium can be a means that contains a program (which is statutory subject matter) without being a means that propagates a program.

Claim 22 is unambiguously directed towards the type of computer readable medium that contains a programs (and not one that propagates a program) as claim 22 recites that the computer readable medium contains a computer program comprising executable instructions. Accordingly, this rejection should be withdrawn.

**The Rejection of Claims 1, 2, 4-7, 9, 12-16 and 20-25 under 35 U.S.C. 102(b)**

Claims 1, 2, 4-7, 9, 12-16, and 20-25 stand rejected under 35 U.S.C. 102(b) as being anticipated by Noehring et al. This rejection should be withdrawn because Noehring et al. does not teach each and every element as set forth in the subject claims.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). MPEP §2131.

Independent **claim 1** is directed towards a system that includes, *inter alia*, a network interface with a first data moving unit (DMU) configured to exchange secure data with a first portion of the network and a second DMU configured to exchange non-secure data with a second portion of the network. The Office asserts that Noehring et al. teaches the above-noted claim aspects on page 3, paragraph [0043], which describes Fig. 5. However, this section of Noehring et al. does not teach or suggest such claim aspects.

More particularly, Noehring et al. relates to a system and method for managing security packet processing. Fig. 5 illustrates outbound and inbound IPSec packet flow. In paragraph [0042], Noehring et al. discloses that IPSec engine 104 includes a plurality of independent channels that may process a plurality of independent packets at a time. In paragraph [0043], Noehring et al. discloses that the IPSec engine 104 may be configured to operate in a dedicated or split configuration mode. In the dedicated mode, the channels may be dedicated to inbound or outbound packets. In the split mode configuration, half of the channels may be used for inbound packets and half of the channels may be used for outbound packets.

Hence, paragraph [0043] of Noehring et al. teaches that the channels of the IPSec engine 104 can be used solely for inbound packets, solely for outbound packets, or divided and used for both inbound and outbound packets. As such, inbound secure and inbound non-secure packets are processed by the same IPSec engine 104 using the same channels, and outbound secure and outbound non-secure packets are processed by the same IPSec engine 104 using the same channels. Thus, Noehring et al. does not teach or suggest first and second DMU's that are respectively configured to exchange secure data with a first portion of a network and non-secure data with a second portion of the network. Therefore, the rejection of claim 1 should be withdrawn.

**Claim 2**, which depends from claim 1, recites that the first and second DMUs directly communicate with the first and second portions of the network. As note above, the Office asserts that the IPSec engine 104 teaches the first and second DMUs. As clearly shown in Fig. 5 of Noehring et al., the IPSec engine 104 does not directly communicate with first and second portions of a network. Rather, the IPSec engine 104 directly communicates with the network processing unit (NPU) 102. As such, this rejection should be withdrawn.

**Claim 6**, which depends from claim 5, recites that the logic configured to perform QoS operations includes, *inter alia*, logic configured to determine a priority of the information flow, and logic configured to schedule at least one of the retrieving the portion of the data and the transferring of the operated-on portion of the data from memory based on the priority of the information flow associated with the portion of the data. **Claims 15 and 25** recite similar aspects. The Office asserts that Noehring et al. teaches such claimed aspects at page 5, paragraph [0058].

However, page 5, paragraph [0058] of Noehring et al. does not teach or suggest the above-noted claimed aspects. More particularly, page 5, paragraph [0058] of Noehring et al. discloses streaming packets on a first come, first serve basis. Thus, even if Noehring et al. were to teach logic for determining a priority of information flow (which Noehring et al. doesn't), the streaming of the packets still would not be based on a priority of information flow. By way of example, if the priority of the information flow is such that a second, later arriving packet should be transferred before a first, earlier

arriving packet, the first packet will still be streamed first in Noehring et al. simply because it arrived first. Accordingly, this rejection should be withdrawn.

Independent **claim 12** recites, *inter alia*, retrieving a portion of the data from the memory into a processor using the memory controller, wherein portions of the data having higher priority information flow are retrieved before portions of the data having lower priority information flow. Independent **claim 22** recites similar aspects. Noehring et al. is silent regarding determining priority information (as discussed *supra* with respect to claim 6), let alone retrieving portions of the data having higher priority information flow before portions of the data having lower priority information flow. Rather, Noehring et al. discloses reading and sending packets on a first come, first serve basis. As such, this rejection should be withdrawn.

**Claims 4, 5, 7, 9, 13, 14, 16, 20, 21, 23 and 24** depend from independent claims 1, 12, and 22 and are allowable at least by virtue of their dependencies.

#### **The Rejection of Claim 3 under 35 U.S.C. 103(a)**

Claims 3 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Noehring et al. in view of Kocaman et al. **Claim 3** depends from independent claim 1 and is allowable at least by virtue of this dependency.

#### **The Rejection of Claims 8, 17 and 26 under 35 U.S.C. 103(a)**

Claims 8, 17 and 26 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Noehring et al. in view of Nozawa et al. **Claim 8, 17 and 26** depend from independent claims 1, 12 and 22 and are allowable at least by virtue of their dependencies.

#### **The Rejection of Claims 10, 11, 18 and 19 under 35 U.S.C. 103(a)**

Claims 10, 11, 18 and 19 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Noehring et al. in view of Trost et al. **Claims 10, 11, 18 and 19**

depend from independent claims 1 and 12 and are allowable at least by virtue of their dependencies.

### **Conclusion**

In view of the foregoing, it is submitted that the subject claims distinguish patentably and non-obviously over the prior art of record. An early indication of allowability is earnestly solicited.

Respectfully submitted,

Date: January 8, 2008

By:



Anthony M. Del Zoppo, III

**CUSTOMER NO. 26675**

AMD:cg